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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO BAY AREA RAPID
TRANSIT DISTRICT,

No. C 04-04632 SI

Plaintiff,

**ORDER GRANTING MOTION TO
QUASH DEPOSITION SUBPOENA**

v.

WILLIAM D. SPENCER, et al.,

Defendants.

By letter brief filed September 6, 2006, defendants F.W. Spencer & Son, Inc. ("FWS"), Brisbane Mechanical Company ("BMC") and William D. Spencer move to quash the deposition subpoena to San Luis Gonzaga/Brisbane Mechanical Company Joint Venture ("SLG/BMC"). Plaintiff San Francisco Bay Area Rapid Transit District ("BART"), opposes this motion by letter brief filed September 13, 2006.

The joint venture SLG/BMC no longer exists. BMC, the surviving member of the venture, has already been deposed, and plaintiff will have a further opportunity to depose defendant FWS, of which defendant BMC is a unit, pursuant to the separate order issued by this Court on September 25, 2006. Consequently, the motion to quash the deposition subpoena of SLG/BMC is GRANTED. (Docket # 79)

IT IS SO ORDERED.

Dated: September 25, 2006



SUSAN ILLSTON
United States District Judge